

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Billed Party Preference for  
0+ InterLATA Calls

CC Docket No. 92-77

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**REPLY COMMENTS OF CITIZENS  
UNITED FOR REHABILITATION OF ERRANTS**

Citizens United for Rehabilitation of Errants ("C.U.R.E."), by its attorneys, hereby submits these Reply Comments in response to the Commission's request for comments<sup>1/</sup> on the filing made by the Competitive Telecommunications Association, et al., (collectively "CompTel") proposing the adoption of a rate ceiling on 0+ operator service calls as an alternative to billed party preference ("BPP").<sup>2/</sup>

C.U.R.E. is a national, non-profit organization dedicated to promoting reform of the criminal justice system.<sup>3/</sup> In earlier filings in this proceeding, C.U.R.E. has vigorously opposed the notion that inmate operator service providers should be granted a

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<sup>1/</sup> Public Notice, DA 95-473, released March 13, 1995.

<sup>2/</sup> See ex parte proposal by CompTel, Bell Atlantic, NYNEX, Bell South, MFS Communications, US West, Teleport Communications Group and American Public Communications Council, CC Docket No. 92-77 (March 8, 1995) (the "CompTel Rate Cap Proposal").

<sup>3/</sup> C.U.R.E.'s membership includes current and former prison inmates, their families and friends, national and local politicians, religious and community leaders, affiliated non-profit charitable organizations, and other supporters who are interested in improving the nation's penal system.

special exemption that would deny the benefits of BPP to the families and friends of prison inmates.<sup>4/</sup> Instead, C.U.R.E. has argued, and continues to believe, that BPP offers the best means of bringing significant rate relief to the families and friends of inmates, who for too long have been victimized by predatory and oppressive rates and substandard service in a distorted marketplace that denies these consumers the benefits of competitive choice.

At the same time, C.U.R.E. recognizes that even if the FCC adopts BPP immediately without a special exemption for inmate phone providers, the anticipated benefits for families and friends of prison inmates would not be available immediately. Consequently, C.U.R.E. has been exploring with inmate phone providers the possibility of an FCC imposed ceiling on inmate-only phone rates and whether such a ceiling could provide swift and effective relief from excessive inmate phone charges.

As a result of this dialogue, C.U.R.E. has concluded that a properly fashioned rate cap applicable to inmate calling services might offer an effective and timely solution to the significant problem of excessive charges in the inmate calling market. However, C.U.R.E. agrees strongly with the comments of inmate-phone provider Gateway Technologies, Inc. ("Gateway") that the rate ceiling proposed by CompTel, which apparently would exceed even the burdensome charges permitted under the rate benchmark that has already been proposed by the inmate phone providers

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<sup>4/</sup> See ex parte filing of C.U.R.E. dated May 6, 1993; Comments of C.U.R.E. filed August 1, 1994, in response to Further Notice of Proposed Rulemaking, FCC 94-117, released June 6, 1994.

themselves,<sup>5/</sup> should not apply to the inmate services market.<sup>6/</sup> Rather, C.U.R.E. believes that if the Commission is inclined to consider an inmate services rate cap as an alternative to BPP, then it should fashion a structure that will promote true rate competition among inmate providers and offer effective protection to inmate families and friends from excessive charges and predatory rate practices.

C.U.R.E. agrees emphatically with Gateway that the rate benchmark scheme that has been proposed by APCC/ICSPTF would not afford inmate families effective relief from excessive inmate 0+ phone rates.<sup>7/</sup> The APCC/ICSPTF does not appear designed to stimulate competition and reduce rates in the inmate calling market, but rather to encourage price collusion and rate increases by creating a permissible rate ceiling that substantially exceeds dominant carrier rates. C.U.R.E. agrees with Gateway that no inmate services rate cap should permit inmate carriers to increase their charges above dominant carrier rates, or protect inmate carriers from the rigors of true rate competition.<sup>8/</sup> At a minimum, a fair inmate services rate ceiling

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<sup>5/</sup> See ex parte letter of the American Public Communications Council's Inmate Calling Service Providers Task Force ("APCC/ICSPTF"), CC Docket Nos. 92-77 & 94-158 (February 21, 1995).

<sup>6/</sup> See Comments of Gateway Technologies, Inc., on CompTel's Proposal for an Operator Services Rate Ceiling, CC Docket No. 92-77, filed April 12, 1995 (the "Gateway Comments").

<sup>7/</sup> See Gateway Comments at 9-10.

<sup>8/</sup> See Gateway Comments at 10.

should not permit surcharges or per-minute rates in excess of those charged by the dominant carrier.

C.U.R.E. commends Gateway for its efforts to fashion a rate structure that apparently will be substantially lower than the benchmark proposed by APCC/ICSPTF.<sup>9/</sup> C.U.R.E. looks forward to working with Gateway on an alternative rate cap proposal, and with the Commission on developing an enforceable rate structure that will establish fair inmate calling rates. In the meantime, C.U.R.E. agrees that the Commission should reserve judgment on inmate services rate regulation until Gateway and other interested parties have had an opportunity to submit specific proposals that provide meaningful rate relief to the families and

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<sup>9/</sup> See Gateway Comments at 10.

friends of prison inmates, who truly need the protections that a fair and effective rate ceiling would afford.

Respectfully submitted,

**CITIZENS UNITED FOR REHABILITATION  
OF ERRANTS**

By: Christopher A. Holt  
Christopher A. Holt

Mintz, Levin, Cohn, Ferris,  
Glovsky & Popeo  
701 Pennsylvania Ave., N.W.  
Suite 900  
Washington, D.C. 20004  
(202) 434-7300

By: Cheryl A. Tritt / CAH  
Cheryl A. Tritt

Morrison & Foerster  
2000 Pennsylvania Ave., N.W.  
Suite 5500  
Washington, D.C. 20006  
(202) 887-1510

Dated: April 27, 1995

### CERTIFICATE OF SERVICE

I, Christopher A. Holt, hereby certify that on this 27th day of April, 1995, a true copy of the foregoing **"Reply Comments of Citizens United for Rehabilitation of Errants"** was sent by U.S. First Class mail, postage pre-paid, or hand-delivered, to the following parties:

Kathleen M. H. Wallman, Chief  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 500  
Washington, D.C. 20554

James Schlichting  
Chief, Policy & Planning  
Federal Communications Commission  
1919 M Street, N.W.  
Room 554  
Washington, D.C. 20554

Karen Brinkman  
Special Assistant to the Chairman  
Federal Communications Commission  
Room 814  
Washington, D.C. 20554

Rudy Baca  
Legal Advisor  
Office of Commissioner Quello  
Federal Communications Commission  
Room 802  
Washington, D.C. 20554

Kathleen B. Levitz, Deputy  
Bureau Chief (Policy)  
Federal Communications Commission  
1919 M Street, N.W.  
Room 500  
Washington, D.C. 20554

International Transcription Service\*  
1919 M Street, N.W.  
Washington, D.C. 20554

Mark Nadel  
Policy & Program Planning Division  
Federal Communications Commission  
1919 M Street, N.W.  
Room 544  
Washington, D.C. 20554

James Colhart  
Special Advisor  
Office of Commissioner Barrett  
Federal Communications Commission  
1919 M Street, N.W.  
Room 826  
Washington, D.C. 20554

Richard Welsh  
Legal Advisor  
Office of Commissioner Chong  
Federal Communications Commission  
1919 M Street, N.W. Room 844  
Washington, D.C. 20554

Mary Beth Richards  
Deputy Bureau Chief  
Federal Communications Commission  
1919 M Street, N.W.  
Room 500  
Washington, D.C. 20554

Robert Spangler  
Common Carrier Bureau  
Federal Communications Commission  
2025 19th Street, N.W.  
Room 6206  
Washington, D.C. 20554

Adrien Auger  
Common Carrier Bureau  
Federal Communications Commission  
Room 114  
1250 23rd Street, N.W.  
Washington, D.C. 20554

Frank M. Panek  
John T. Lenahan  
Larry A. Peck  
Ameritech Operating Companies  
2000 W. Ameritech Center Drive  
Room 4H86  
Hoffman Estates, Illinois 60196-1025

Gail L. Polivy  
GTE Service Corporation  
1850 M Street, N.W.  
Suite 1200  
Washington, D.C. 20036

James Casserly  
Special Advisor  
Office of Commissioner Ness  
Federal Communications Commission  
1919 M Street, N.W.  
Room 832  
Washington, D.C. 20554

Susan Lewis Sallet  
Federal Communications Commission  
1919 M Street, N.W.  
Room 500  
Washington, D.C. 20554

Thomas Wyatt  
Common Carrier Bureau  
Federal Communications Commission  
1250 23rd Street, N.W.  
Room 107  
Washington, D.C. 20554

Genevieve Morrelli  
COMPTEL  
Connecticut Avenue, N.W.  
Washington, D.C. 20036

Edward D. Young, III  
John M. Goodman  
Attorneys for the Bell Atlantic  
Telephone Companies  
1710 H Street, N.W.  
Washington, D.C. 20006

Edward R. Wholl  
William J. Balcerski  
NYNEX  
120 Bloomingdale Road  
White Plains, N.Y. 10605

M. Robert Sutherland  
Richard M. Sbaratta  
Helen A. Shockey  
Attorneys for Bellsouth  
Telecommunications, Inc.  
Suite 1800  
1155 Peachtree Street, N.E.  
Atlanta, Georgia 30367-6000

James L. Wurtz  
Attorney for Pacific Bell  
& Nevada Bell  
1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Lawrence E. Sarjeant  
Attorney for U.S. West  
Communications, Inc.  
1020 19th Street, N.W.  
Suite 700  
Washington, D.C. 20036

Mark C. Rosenblum  
Peter H. Jacoby  
Richard H. Rubin  
Attorneys for American & Telegraph  
Company  
295 North Maple Avenue  
Room 3244J1  
Basking Ridge, N.J. 07920

David B. Jeppson  
Albert H. Kramer  
Robert F. Aldrich  
Keck, Mahin & Cate  
1201 New York Avenue, N.W.  
Washington, D.C. 20005-3919

James P. Tuthill  
Nancy C. Woolf  
Attorneys for Pacific Bell  
& Nevada Bell  
140 New Montgomery Street  
Room 1523  
San Francisco, California 94105

Robert M. Lynch  
Richard C. Hartgrove  
John Paul Walters, Jr.  
Attorneys of Southwestern  
Bell Telephone Company  
1010 Pine Street, Room 2114  
St. Louis, Missouri 63101

Mary J. Sisak  
Donald J. El  
MCI Telecommunications Corporation  
1801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

Debra Berlin  
Executive Director  
NASUCA  
1133 15th Street, N.W.  
Suite 575  
Washington, D.C. 20005

Daniel J. Rooks  
4250 Blackland Drive  
Marietta, Georgia 30067

Mary MacDermott  
Linda Kent  
United States Telephone Association  
14591 H Street, N.W.  
Suite 600  
Washington, D.C. 20005

Lisa M. Zaina, General Counsel  
Organization for the Protection  
& Advancement of Small Telephone  
Companies  
2000 K Street, N.W., Suite 205  
Washington, D.C. 20006

Catherine R. Sloan  
Vice President, Federal Affairs  
LDDS Communications, Inc.  
21 Dupont Circle, N.W.  
Suite 700  
Washington, D.C. 20036

Danny E. Adams  
Rachel J. Rothstein  
Wiley, Rein & Felding  
1776 K Street, N.W.  
Washington, D.C. 20006

Ian D. Volner  
Cohn & Marks  
1333 New Hampshire Avenue, NW.  
Suite 600  
Washington, D.C. 20036

Charles P. Miller  
General Counsel  
Value-Added Communications, Inc.  
1901 South Meyers Road, #550  
Oakbrook Terrace, Illinois 60181



Eugene F. Mullin  
Mullin, Rhyne, Emmons and Topol, P.C.  
1225 Connecticut Avenue, N.W.  
Suite 300  
Washington, D.C. 20036

Douglas F. Brent  
Associate Counsel  
Advanced Telecommunications  
Corporation  
9300 Shelbyville Road, #700  
Louisville, Kentucky 40222

Greg Casey  
Jane A. Fisher  
International Telecharge, Inc.  
6707 Democracy Boulevard  
Bethesda, Maryland 20817

Trudi J. Renwick, Ph.D.  
Public Utility Law Project  
of New York  
Pieter Schuyler Financial Center  
39 Columbia Street  
Albany, New York 12207

Greg S. Sayre  
RCI Long Distance, Inc.  
Rochester Tel Center  
180 South Clinton Avenue  
Rochester, New York 14646

James E. Lewis  
P.O. Box 689  
Ely, New York 89301

William M. Barvick  
Midwest Independent Coin  
Payphone Association  
240 E. High Street  
Jefferson City, MO 65101

Randolph J. May  
Elizabeth C. Buckingham  
Sutherland, Asbill & Brennan  
1275 Pennsylvania Avenue, N.W.

Kenneth F. Melley, Jr.  
Director-Regulatory Affairs  
U.S. Long Distance, Inc.  
9311 San Pedro, Suite 300  
San Antonio, TX 78216

Jean L. Kiddoo  
Ann P. Morton  
Swidler & Berlin, Chtd.  
3000 K Street, N.W.  
Suite 300  
Washington, D.C. 20007

James D. Heflinger  
Vice President & General Counsel  
Litel Telecommunications  
Corporation  
d/b/a LCI International  
4650 Lakehurst Court  
Dublin, Ohio 43017

Anthony Marquez  
First Asst. Attorney General  
Colorado Public Utilities Comm.  
1580 Logan Street  
Office Level 2  
Denver, Colorado 80203

Paul Rodgers  
Charles D. Gray  
James Bradford Ramsey  
National Association of Regulatory  
Utility Commissioners  
1102 ICC Building, P.O. Box 684  
Washington, D.C. 20044

Donald L. Howell, III  
Deputy Attorney General  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, Idaho 83720

Steven E. Swenson  
Teltrust, Inc.  
221 N. Charles Lindbergh Drive  
Salt Lake City, Utah 84116

Judith St. Ledger-Roty  
John W. Hunter  
Reed, Smith, Shaw & McClay  
1200 18th Street, N.W.  
Washington, D.C. 20036

Ann V. MacClintock  
VP-Regulatory Affairs  
The Southern New England  
Telephone Company  
227 Church Street, 4th Floor  
New Haven, CT 06510

Mitchell F. Brecher  
Donelan Cleary Wood &  
Maser, P.C.  
Counsel for Oncor Communications  
1275 K Street, N.W. Suite 850  
Washington, D.C. 20005

Charles D. Cosson  
Stephen G. Kraskin  
Attorney for U.S. Intelco  
Networks, Inc.  
2120 L Street, N.W.  
suite 300  
Washington, D.C. 20037

Thomas M. Rice  
Chief Financial Officer  
Prairie Correctional Facility  
445 S. Munsterman  
Appleton, MN 56208

Ebert Mednicoff, President  
Nevada Payphone Association  
4620 S. Arville, Suite H  
Las Vegas, NV 89103

Angela B. Green  
Florida Public Telecommunications  
Association, Inc.  
315 S. Calhoun Street, #710  
Tallahassee, FL 32301

Nanci Adler  
Technologies Management, Inc.  
Consultant to Operator Service  
P.O. Drawer 200  
Winter Park, FL 32790

Brad E. Mutschelknaus  
Ann M. Plaza  
Wiley, Rein & Fielding  
Attorneys for Ameritel  
Pay Phones, Inc.  
1776 K Street, N.W.  
Washington, D.C. 20006

Perry R. Owen  
Owen's Public Fax & Phone  
P.O. Box 60474  
Sacramento, CA 95860

Michael Scott  
Chief Executive Officer  
CMS  
71 Walker Road, Suite H-2  
Great Falls, VA 22066

Vincent Townsend, President  
Pay-Tel Communications, Inc.  
P.O. Box 8179  
Greensboro, NC 27419

Susan M. Shanaman  
Counsel for Central Atlantic  
Payphone Association  
21 North 4th Street  
Harrisburg, PA 17101

Glenn B. Manishin  
Neil S. Ende  
Blumenfeld & Cohen  
1615 M Street, N.W., #700  
Washington, D.C. 20036

William D. Baskett, III  
John K. Rose  
Cincinnati Bell Telephone Co.  
2500 PNC Center  
201 E. Fifth Street  
Cincinnati, OH 45202

James V. Troup  
Arter & Hadden  
Counsel for Iowa Network  
Service, Inc.  
1801 K Street, N.W., Suite 400K  
Washington, D.C. 20006

Cindy Z. Schonhaut, Esq.  
MFS Communications Co., Inc.  
3000 K Street, N.W.  
Suite 300  
Washington, D.C. 20007

Richard J. Metzger  
Pierson & Tuttle  
Counsel for Association for  
Local Telecommunications Service  
1200 19th Street, N.W., Suite 607  
Washington, D.C. 20036

Walter Sapronov  
Charles A. Hudak  
Attorneys for Interlink  
Telecommunications, Inc.  
Gerry, Friend & Sapronov  
Three Ravinia Dr, Suite 1450  
Atlanta, GA 30346

Paul J. Berman  
Alane C. Weixel  
Counsel for Anchorage  
Telephone Company  
Covington & Berling  
1201 Pennsylvania Avenue, NW  
Washington, D.C. 20044

GVNW Inc./Management  
P.O. Box 25969  
Colorado Springs, CO 80936

David Cosson  
National Telephone Cooperative  
Association  
2626 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037

J. Manning Lee  
Sr. Regulatory Counsel  
Teleport Communications Group  
2 Teleport Drive  
Staten Island, New York 10311

Monique Brynes  
Technologies Management, Inc.  
Counsel for Osiris Corporation  
P.O. Drawer 200  
Winter Park, Florida 32790

Amy S. Gross  
American Network Exchange, Inc.  
101 Park Avenue, Suite 2507  
New York, New York 10178

Douglas E. Neel, Vice President  
Regulatory Affairs  
Message-Phone, Inc.  
5910 N. Central Expressway  
Suite 1575  
Dallas, TX 75206

Charles H. Helein  
Helein & Waysdorf, P.C.  
1850 M Street, N.W., Suite 550  
Washington, D.C. 20036

Branson Telephone  
P.O. Box 1944  
Branson, MO 65615

Marianne A. Townsend  
Conquest Operator Services  
Corporation  
5500 Frantz Road  
Suite 125  
Dublin, OH 43017

Donald G. Raider  
Park Inn International  
339 Jefferson Road  
Parsippany, NJ 07054

James Gillmore, III  
Attorney General  
Commonwealth of Virginia  
Supreme Court Building  
101 North Eighth Street  
Richmond, VA 23219

Paul C. Besozzi  
Besozzi, Gavin & Craven  
Counsel for Polar Communications  
Corporation & Digital Technologies, Inc.  
1908 L Street, N.W.  
Suite 200  
Washington, D.C. 20036

Martin W. Bercovia  
Keller & Heckman  
Counsel for Waterway  
Communications System, Inc.  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001

Kellie Phillips  
Call America Business Communications  
4251 South Higuera  
San Luis Obispo, CA 93401

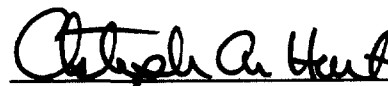
Kathy L. Shobert  
General Communication, Inc.  
901 15th Street, N.W.  
Suite 900  
Washington, D.C. 20005

Debra Lagupa  
Levine, Lagupa & Block  
Counsel for Mastercard Int'l  
1200 19th Street, N.W., #902  
Washington, D.C. 20036

William J. Cowan, General Counsel  
New York State Department  
of Public Services  
Three Empire State Plaza  
Albany, New York 12223

Ernest D. Preate, Jr.  
Attorney General  
Commonwealth of Pennsylvania  
16th Floor  
Strawberry Square  
Harrisburg, PA 17120

James E. Doyle  
Attorney General  
State of Wisconsin  
P.O. Box 7857  
Madison, WI 53707

  
Christopher A. Holt